

CITY OF PLEASANT HILL

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HOME OCCUPATION

Application Guide

WHAT IS A HOME OCCUPATION?

For each residential land use district established in the City's Zoning Ordinance, various uses are categorized as either Permitted Uses, Conditional Uses or Accessory Uses. Home Occupation is under accessory uses subject to City issuance of a home occupation permit. The process allows the City to ensure that such uses will be compatible with surrounding land uses and the general public interest.

A home occupation is an ongoing activity in a dwelling unit which provides goods or services where such activity is not already incidental to the primary use of the dwelling for residential purposes. The right to conduct certain limited business activity within a residential dwelling is an accommodation between values fostered by the preservation of areas for residential living, and the liberty to conduct private, non-intrusive economic activity in one's home.

WHAT IS THE REVIEW CRITERIA FOR A HOME OCCUPATION?

The first step is to decide whether your proposed home economic activity is a "home occupation" requiring a permit.

Remember, not all economic activity in a home requires a permit. Only activity which is not incidental to the use of the home for residential purposes is a home occupation. Thus, if you bring papers home from the office to work on at night, this occupation is only incidental to your residential use and does not require a permit.

To aid in the decision as to what may or may not be an incidental economic activity the City's ordinance specifies circumstances where a home occupation is presumed. This presumption that these activities constitute a home occupation is "rebuttable." This means you must file an application for a home occupation permit, but may still argue that the activities are only incidental to the primary use of your home as a residence or do not cause a detrimental impact on the residential zone, if not incidental.

The economic circumstances requiring an application for a home occupation are:

1. Personal services conducted for pay on the premises;
2. The maintenance on the premises of an inventory of materials used in producing a commercial product; or
3. The regular advertising of the residential address.

REQUIREMENTS FOR A PERMIT

Upon receipt of an application for a home occupation permit the director of community development may, without a hearing, issue a home occupation permit only if the applicant will not store significant product inventory or materials related to the occupation at his or her home; the occupation will generate little or no pedestrian or vehicular traffic; and the occupation will involve the provision of a service at a location other than the applicant's home (e.g. gardening, housekeeping, etc.) or will be limited to the drafting and mailing of written documents (e.g. bookkeeping, typing services, etc.).

When an application for a home occupation permit is filed, the ordinance requires the applicant comply with 14 specific criteria in order for a permit to be issued.

1. The home occupation is conducted entirely within the dwelling unit unless otherwise allowed under paragraph number (14), below;
2. There is no regular sale or delivery of products to customers at the premises;
3. There is not more than one vehicle used primarily in connection with the home occupation;
4. There is no storage on the premises within public view of materials, products, equipment, fuel or other substances not commonly associated in kind or amount with residential use;
5. There is no sign associated with the home occupation or its products or services;
6. The street address of the home occupation is not listed in the telephone book, newspaper, or other published advertising media or flyers;
7. The home occupation does not generate traffic in excess of that which is normally associated with residential use and requires no additional parking space;

8. The home occupation does not require reconstruction or alteration of the exterior of the dwelling unit;
9. The home occupation does not cause smoke, dust, light, odor or other emissions which would otherwise interfere with the residential use of the zone;
10. The home occupation does not involve the raising or slaughtering of animals;
11. The home occupation does not generate quantities or types of refuse or trash which would be abnormal for residential pick-up and collection services;
12. The home occupation does not involve more than one non-resident;
13. The home occupation does not involve any illegal conduct including, but not limited to, operation of a business without a business license, or result in any other encroachment upon the values served by residential use restrictions including but not limited to, the deterioration of the physical appearance of the property, or have any other substantial detrimental impact upon adjacent residents; and
14. An otherwise allowed home occupation may be conducted outside the dwelling only if the zoning administrator makes a written finding that the home occupation will not have an adverse effect on the neighborhood. In doing so, the zoning administrator may impose reasonable conditions necessary to insure that the home occupation will comply with the provisions of this subsection.

If the city finds that any of these requirements will not be met by a home occupation, a permit will not be issued, or a previously issued permit will be revoked.

WHAT ARE THE STEPS?

- Step 1** Preliminary Review - Prior to submittal of a formal application, it is recommended that the applicant discuss with staff the intended use. The Department can, if requested, respond back in writing regarding conformance of the use with the Zoning Ordinance requirements.
- Step 2** Filing the Application - Application for a Home Occupation Permit should be made to the Community Development Department on the Application for Development Review form. The application form must be accompanied by the additional supporting materials specified by the Community Development Department, including a description of the intended use to permit adequate review of the proposed use.

Step 3 Environmental Review - Because the home occupation permit provision in the zoning ordinance only applies to existing residential building and requires no construction, all applications have been deemed, by the City Council in its CEQA Guidelines, to be categorically exempt (Exemption Classification 15301). Further environmental review is not necessary.

Step 4 Zoning Administrator Review - The Zoning Administrator is required to hold at least one public hearing on the Home Occupation Permit application. The hearing will be held within 45 days of the application filing date. At least 10 days prior to the hearing, notices will be mailed to all residences within 300 feet of the proposed use. However, if an apartment, condominium, or other multiple family housing complex exists within said 300-foot radius or the applicant's property is located in one of these, the applicant may provide notice to the resident manager, owner, or owner association in lieu of serving notice to each individual resident.

At the public hearing, testimony from the applicant and other interested persons will be taken. The Zoning Administrator may then close the public hearing and make a decision to approve the request, deny the request, or may postpone the decision or continue the public hearing to a later date so that more information can be provided. After a Zoning Administrator's decision is made, that decision will become final within 14 days unless an appeal is filed as described below.

Step 5 Business License - When the Zoning Administrator approves a home occupation permit, the permittee should wait 14 calendar days to apply for a Business License, thus allowing the appeal period to lapse. If an appeal has not been filed, then the permittee should apply and pay the necessary fee to the Finance Department for a Business License.

WHAT MUST BE SUBMITTED?

All submittal information required in the General Submittal Requirements Checklist shall be presented, including the Application for Development Review form, and fees before the application can be accepted as complete. A letter will be sent to the applicant within 30 days indicating whether the application is complete or incomplete (with reasons), along with the name of the planner processing the application.

MAY A DECISION BE APPEALED?

You may appeal the decision of the Zoning Administrator to the Planning Commission. To appeal, a written statement, and filing fee must be filed with the Zoning Administrator within 10

days after the decision is made. A public hearing will then be set before the Planning Commission to consider the appeal. The decision of the Planning Commission can be appealed to the City Council.

WHEN DOES THE ZONING ADMINISTRATOR HOLD HIS HEARINGS?

The Zoning Administrator holds Public Hearings on the first and third Wednesday of every month, as necessary. These meetings commence at 2:00 p.m. and are held in the City Council Chambers.